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ERIC BRAVICK

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DFINITY USA RESEARCH, LLC, a limited
liability company,

Plaintiff,

v.

ERIC BRAVICK, an individual and DOES 1
through 100, inclusive,

Defendant.

Case No. 5:22-cv-03732-EJD

**DEFENDANT ERIC BRAVICK'S RE-
NOTICE OF MOTION TO DISMISS**

Date: January 26, 2023
Time: 9:00 a.m.
Ctrm: Courtroom 4
Judge: Hon. Edward J. Davila

[Fed. R. Civ. P. 12(b)(6)]

Complaint filed: May 11, 2022

Per this Court's order of July 06, 2022 (Dkt. No. 11), which indicated that the below-referenced motion should be re-noticed for hearing in light of reassignment to a District Judge, PLEASE TAKE NOTICE that on January 26, 2023, at 9 a.m., in the courtroom of the Hon. Edward J. Davila, U.S. District Court for the Northern District of California, San Jose Division, Defendant Eric Bravick ("Defendant" or "Mr. Bravick") will bring before the court, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, his motion to dismiss two claims in the Complaint of Dfinity USA Research, LLC ("Plaintiff" or "Dfinity"), filed May 11, 2022, on the basis that Plaintiff has failed to state a claim upon which relief can be granted. The grounds for

1 this Motion are that Plaintiff has not adequately pled a claim under California Penal Code 496(c)
2 and Unjust Enrichment/Constructive Trust is not a cause of action under California law.
3 Defendant filed his motion on July 1, 2022 (Dkt. No. 8). Pursuant to the Clerk's order of July 6,
4 2022 (Dkt. No. 11), Defendant now re-notices the motion for January 26, 2023 at 9:00 am, the
5 first available hearing date.

6 This Motion is based on the Memorandum of Points and Authorities filed on July 1, 2022
7 (Dkt. No. 8), and accompanying declaration from Eric Bravick, and all other pleadings, papers
8 and records filed with the Court concerning this matter, and on such further evidence as may be
9 presented at the time of the hearing.

10 Dated: July 26, 2022

Respectfully submitted,

CROWELL & MORING LLP

13 By: /s/ Joachim B. Steinberg

14 Joachim B. Steinberg

Gabriel M. Ramsey

15 Attorneys for Defendant

16 ERIC BRAVICK